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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MOHAMAD IBRAHIM SHNEWER	:	**Honorable Robert B. Kugler**
	:	
v.	:	**Civil No. 13-3769 (RBK)**
	:	**Crim. No. 07-459 (RBK)**
UNITED STATES OF AMERICA	:	

Revised Declaration

William E. Fitzpatrick makes the following statement pursuant to Title 28, United States Code, Section 1746:

1. I am presently the First Assistant United States Attorney for the District of New Jersey. During the time period relevant to this declaration, I was the Deputy United States Attorney for the Southern Vicinages of the District of New Jersey.
2. I am the lead prosecutor in the case of United States v. Mohamad Ibriham Shnewer et al., Dist. Ct. No. 07-459.
3. At no time did the Government ever provide a formal written plea agreement proposal in that case to petitioner Mohamad Shnewer's trial counsel, Rocco Cipparone, Esquire.
4. I engaged in informal plea discussions with Mr. Cipparone at an early point in the District Court proceedings. In that context, we discussed a possible plea agreement in which, in return for Shnewer's guilty plea to the charge

of conspiracy to murder uniformed soldiers of the United States, in violation of 18 U.S.C. § 1117, the Government would not subject Shnewer to the charge of attempted possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). The § 1117 charge subjected Shnewer to a maximum term of incarceration of life imprisonment.

5. I informed Mr. Cipparone, however, that the final decision regarding any plea agreement involving Shnewer and his codefendants would be made by the then United States Attorney, Christopher J. Christie, and that I had not then been authorized to commit the United States to any particular agreement.

6. During those discussions, I informed Mr. Cipparone that, at sentencing, the Government would take the position that the Sentencing Guidelines "terrorism enhancement," U.S.S.G.§ 3A1.4, applied to Shnewer, and that if the Court agreed, the applicable Guidelines range would be exclusively life imprisonment.

7. I also informed Mr. Cipparone that, based on the Government's assessment of the sentencing factors under 18 U.S.C. § 3553(a), a sentence of life imprisonment would be the only reasonable sentence in this case, and that the Government would advocate at sentencing for a

custodial term of life.

8. Under no circumstances would the Government have entered into a guilty plea agreement with Shnewer that would not have allowed for the imposition of a sentence of life imprisonment. At no point would the Government have agreed to advocate for a sentence of less than life imprisonment.

9. I declare under the penalty of perjury that the foregoing is true and correct.

WILLIAM E. FITZPATRICK
First Assistant United States Attorney

Camden, New Jersey
Executed on January 26, 2015